

1 BILL NO. G-81-11-31

2 GENERAL ORDINANCE NO. G-01-82

3 AN ORDINANCE amending the Thoroughfare  
4 Plan of the City Comprehensive ("Master")  
5 Plan by vacating a Utility Easement in  
6 Hoevelwood Court Addition, Section "B".

7 WHEREAS, (1) a petition to vacate a utility easement in  
8 Hoevelwood Addition, Section "B" (as more specifically described  
9 below) was duly filed with the City Plan Commission; and (2)  
10 said Commission duly held a public hearing thereon; and (3) said  
11 Commission has duly forwarded its recommendation thereon to  
12 this body approving said petition, all in accordance with  
13 I.C. 18-7-4-512(2) (Burns Ind. Stat. Ann., 1980 Supp.)

14 WHEREAS, this body concurs in the recommendation of the  
15 City Plan Commission:

16 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
17 WAYNE, INDIANA:

18 SECTION 1. That the petition filed herein, to vacate:  
19 Certain easements and side lot line restrictions  
20 within the City of Fort Wayne which are described  
21 as follows:

22 Both 7 and 14 foot easements along the north  
23 lines of Lots 56 through 62; and 7 foot on  
24 either side of the common lines of Lots 48 and  
25 49 (east) and 56 (west) and a 7 foot easement  
26 along the north side line of Lot 49 and 9 foot  
side lot line restrictions all as shown on the  
face of the plat and number 3 of Protective  
Restrictions all as contained in the plat and  
restrictions of Hoevelwood Court Addition,  
Section "B" as recorded in Plat Record 25 at  
pages 167-168 of the records in the office of the  
Recorder of Allen County, Indiana.

and which vacating amends the Thoroughfare Plan of the City Com-  
prehensive ("Master") Plan is hereby approved.

SECTION 2. That by reason of this approval, said  
petitioner(s) may now proceed with said vacation before the  
Fort Wayne Board of Public Works, under I.C. 18-1-7-1, for an  
administrative order of vacation and an assessment of benefits

1 and damages to affected property owners, or before the Allen  
2 Circuit or Superior Courts under I.C. 18-5-10-44, for a  
3 judicial decree of vacation and an assessment of benefits  
4 and damages to affected property owners.

5 SECTION 3. That the Ordinance shall be effective upon  
6 passage, approval by the Mayor and due legal publication.

7  
8  
9   
COUNCILMAN

10 APPROVED AS TO FORM AND  
11 LEGALITY NOVEMBER 20, 1981.

12   
13 BRUCE O. BOXBERGER, CITY ATTORNEY  
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Read the first time in full and on motion by \_\_\_\_\_,  
seconded by \_\_\_\_\_, and duly adopted, read the second time  
by title and referred to the Committee \_\_\_\_\_ (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: \_\_\_\_\_

CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_,  
seconded by \_\_\_\_\_, and duly adopted, placed on its  
passage. PASSED (~~lost~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>0</u>	_____	<u>1</u>	_____
<u>BRADBURY</u>	<u>X</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>X</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>X</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	_____	_____	<u>X</u>	_____
<u>SCHMIDT</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: 1-26-82

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)  
(APPROPRIATION) ORDINANCE (RESOLUTION) NO. 201-82  
on the 26th day of January, 1982.

ATTEST:

(SEAL)

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 27th day of January, 1982, at the hour of  
11:30 o'clock A. M., E.S.T.

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 1st day of February  
1982, at the hour of 9 o'clock A. M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR. - MAYOR

Read the first time in full and on motion by GiaQuinta, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 11-24-81

Charles W. Westerman  
CHARLES W. WESTERMAN  
CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	_____	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	_____	_____	_____	_____	_____
<u>SCHOMBURG</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: \_\_\_\_\_

Charles W. Westerman - City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ATTEST:

(SEAL)

Charles W. Westerman - City Clerk

Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

Charles W. Westerman - City Clerk

Approved and signed by me this \_\_\_\_\_ day of 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

Winfield C. Moses, Jr.  
MAYOR

BILL NO. G-81-11-31

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED AN  
ORDINANCE amending the Thoroughfare Plan of the City Comprehensive  
("Master") Plan by vacating a Utility Easement in  
Hoevelwood Court Addition, Section "B"

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

BEN A. EISBART - CHAIRMAN

JANET G. BRADBURY - VICE CHAIRMAN

PAUL M. BURNS

JOHN NUCKOLS

ROY J. SCHOMBURG

1-26-80  
CONCURRED IN  
DATE            CHANCELLER, CITY CLERK

# RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 7165

FT. WAYNE, IND., 1981

RECEIVED FROM

Y.M.C.A.

\$

50.00

THE SUM OF

fifty & 00/100

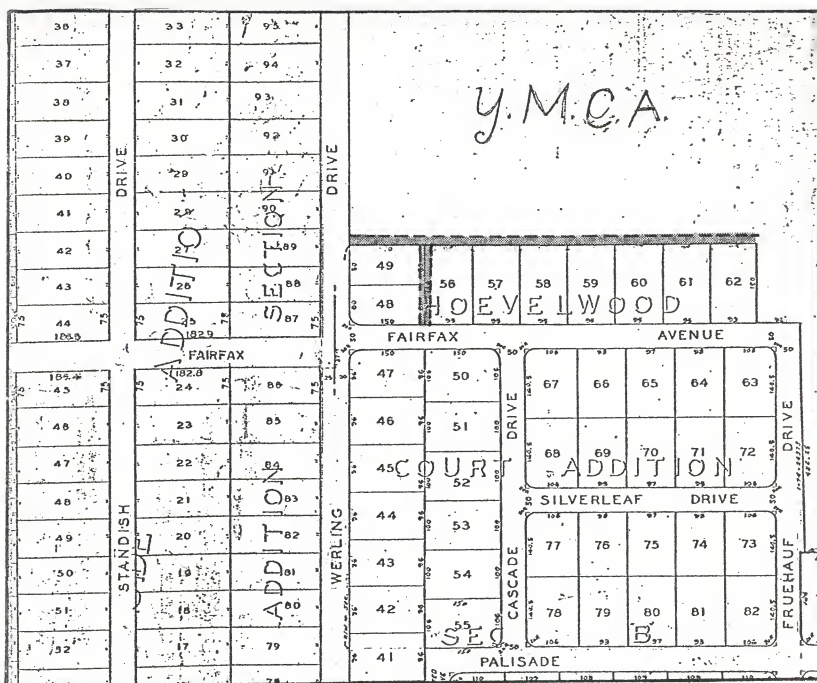
100


DOLLARS

ON ACCOUNT OF

Excessment Location

AUTHORIZED SIGNATURE



 A PETITION TO VACATE EASEMENTS AND SIDE LOT LINE RESTRICTIONS.

6-81-11-31

MAP NO. Q-19

BY G.R. LAX 10-6-81



STATE OF INDIANA )                      IN THE CITY PLAN COMMISSION OF  
                         ) SS:  
COUNTY OF ALLEN )                      THE CITY OF FORT WAYNE, INDIANA

PETITION TO VACATE EASEMENTS  
AND SIDE LINE RESTRICTIONS

The undersigned Petitioner, Young Men's Christian Association of Greater Fort Wayne and Allen County, does hereby respectfully petition the Fort Wayne City Plan Commission to vacate certain easements and side lot line restrictions within the City of Fort Wayne which are described as follows, to-wit:

Both 7 and 14 foot easements along the north lines of Lots 56 through 62; and 7 foot on either side of the common lines of Lots 48 and 49 (east) and 56 (west) and a 7 foot easement along the north side line of Lot 49 and 9 foot side lot line restrictions all as shown on the face of the plat and number 3 of Protective Restrictions all as contained in the plat and restrictions of Hoevelwood Court Addition, Section "B" as recorded in Plat Record 25 at pages 167-168 of the records in the office of the Recorder of Allen County, Indiana.

Attached to this Petition is a copy of the Plat showing these easements and side lot lines.

1. Petitioner is the owner and record titleholder of Lots Numbered 48 through 62 in Hoevelwood Court Addition, Section "B".

2. The easements are unused, in that there are no overhead wire or line services by General Telephone Company or Indiana & Michigan Electric Company, nor are there underground services by the City of Fort Wayne or Northern Indiana Public Service Company, but that existing utility services are provided over a parcel for which no easement exists, and that your Petitioner is prepared to make such dedication upon the vacation of the unused easements as herein requested.

3. That no other person, firm or corporation is interested in or affected by the requested vacation, and letters from the utilities are attached hereto.



4. That the maintenance of the easement is not necessary or advantageous to the growth of the City of Fort Wayne and that it would be in the best interest of the City and the citizens thereof to approve the vacation as herein sought.

5. That the side lot line building restrictions are not necessary as the lots are all used as one parcel by Petitioner.

6. That a copy of the proposed dedication of proper easements and a survey showing their location are attached.

Your Petitioner files this Petition pursuant to the authority granted in Indiana Code, Section ~~18-7-5-46~~ <sup>36-7-4-512</sup> in order to complete the vacation as above described.

WHEREFORE, your Petitioner prays that the above described easements and side lot line restrictions be vacated according to the provisions of the Indiana law pertaining thereto.

DATED this 2nd day of Oct, 1981.

SNOUFFER, HALLER & COLVIN  
ATTORNEYS FOR PETITIONER  
2000 FORT WAYNE BANK BLDG.  
FORT WAYNE, INDIANA 46802  
PHONE: AC-219 424-2000

BY: 

Robert W. Haller





## Northern Indiana Public Service Company

1501 Hale Avenue  
Fort Wayne, Indiana 46804  
May 5, 1981

Mr. Robert Haller  
2000 Fort Wayne Bank Building  
Fort Wayne, Indiana 46802

Mr. Haller:

In regard to your letter of April 24, 1981, about vacations of easements in the Hoevelwood Court, Section "B" area we have our gas mains located in the streets in this area. When the city sends through the formal request to vacate, we will indicate that we do not require any easements in this area.

If you have any questions or if I could be of further assistance feel free to call me at 743-7511, Ext. 205.

Sincerely,

John F. Friedline  
Engineering Supervisor

JFF:sek

cc: Mr. P. R. Nash



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

engineering department

7th floor

April 29, 1981

Mr. Robert W. Haller  
Attorney at Law  
2000 Fort Wayne Bank Bldg.  
Fort Wayne, Indiana 46802

Re: Lots 48, 49 and 56 through 62 in Hoevelwood Court,  
Section B and parcel adjacent on the north

Dear Mr. Haller:

We are happy to inform you that there are no public sewers in the above described easement area. Therefore, this Department has no objections to the vacation and/or use of same.

If there is any way we can be of further service, please feel free to contact Mr. Wickensheimer and/or the undersigned.

Sincerely,

C. Duane Embury, P. E.  
Chief Water Pollution Control Engineer

cde/cw/ep



# The City of Fort Wayne

April 30th, 1981

Mr. Robert W. Haller, Attorney  
Snouffer, Haller & Colvin  
2000 Fort Wayne Bank Building  
Fort Wayne, IN 46802

Reference: Water Facility versus easements - Southeast Branch Y.M.C.A.

Dear Bob:

I reviewed the contents of your letter of April 24th, regarding the above subject. It is our findings that all public water facilities adjacent to the Southeast Branch of the Y.M.C.A. are located within the dedicated right-of-way. Also, we do not plan any future modifications to our facilities which would require our use of the easement of which you are concerned as noted in your April 24th letter. Therefore, the Engineering Department of the Fort Wayne Water Utilities has no desire that the easement be perpetuated.

I hope this information clears the air as far as our Utility is concerned.

Cordially,

D. L. Foland, P.E.  
Chief Water Engineer

DLF:bp

cc: Board of Public Works  
P. Boller  
City Plan Commission

fort wayne  
cablevision



720 taylor street  
fort wayne, indiana 46804  
219-456-4551

Robert W. Haller  
Attorney  
C/O Snuffer, Haller, & Colvin  
2000 Fort Wayne National Bank Building  
Fort Wayne, Indiana 46802

May 7, 1981

Dear Mr. Haller:

The purpose of this letter is to inform you that Fort Wayne Cablevision is not at the present time using the easement referred to in your letter of April 24:

RE: Lots 48, 49, and 56 through 62  
in Hovelwood Court, Section B  
and parcel adjacent on the north.

We have no objection to the vacation of these easements as long as an alternative easement is provided. When an alternative easement is completed, please send us a copy of the plat map showing the location of this easement.

Respectfully,

  
Jerry Bennett  
Operations Manager

JB/dm

21587



**INDIANA & MICHIGAN ELECTRIC COMPANY**  
2101 Spy Run Avenue, P. O. Box 60, Fort Wayne, Indiana 46801  
Telephone: (219) 422-3456

April 30, 1981

Snouffer, Haller & Colvin  
Attorneys At Law  
2000 Fort Wayne Bank Building  
Fort Wayne, Indiana 46802

Attention: Robert W. Haller

Re: Lots 48, 49 and 56 through 62 in  
Hoevelwood Court, Section B and  
Parcel Adjacent on the North

Dear Bob:

Enclosed are an original and one copy of an easement which will provide everything necessary for I&M facilities on the subject property. The 10 by 15 foot parcel is for an anchor which extends South from the North line of the 39 foot wide parcel. The 15 by 14 foot parcel is for the riser pole (shown on your plot plan) and there is an underground line extending therefrom South to the existing building. Maps are enclosed showing the locations. The remainder of the easements can be vacated.

If this meets with your approval, will you please have them properly executed, notarized and returned to this office.

Thank you for your cooperation.

Very truly yours,

INDIANA & MICHIGAN ELECTRIC COMPANY

  
Wm. L. Blackburn  
Right-of-Way Agent - Senior

WLB:mw

Enclosure

cc: Jim Delaney  
Grant Ulm



**INDIANA & MICHIGAN ELECTRIC COMPANY**

2101 Spy Run Avenue, P. O. Box 60, Fort Wayne, Indiana 46801

Telephone: (219) 422-3456

June 17, 1981

Snouffer, Haller & Colvin  
2000 Fort Wayne Bank Building  
Fort Wayne, Indiana 46802

Attention: Bob Haller

re: YMCA Easement

Dear Bob:

Enclosed is a revised easement for the Southeast branch of the YMCA,  
as we discussed it on the telephone today.

Thanks.

Very truly yours,



Wm. L. Blackburn

s

cc: Dick Gibson, A.I.A.





YHCA SE (11)  
SHEET No 4

ANTHONY WAYNE VILLAGE  
SCHOOL

$$\begin{array}{r} 59 \\ + 52 \\ \hline 111 \end{array}$$

PROPOSED I-M EASEMENT  
14' x 644' A; REVISED  
ON 5 AUG 1981  
Existing Power Line in the  
West 45% = there are

proposed PARCEL No 7  
DOC # 81-2725  
D. H. A. S.

IM EASEMENTS  
TO BE DEDICATED

Doc # 72-284-4  
SOURCE N-6  
0.087 AS

700 71-16598  
PARCEL 1-5  
0.4682E

PROPOSED  
121 M. EAST N<sup>W</sup>

55  
OK. ✓

WEEKLING

[illegible]

8130 pln+  
8121 Act FAIRFAX AVE.

50	150	50	150	50	150	50	150	50	150
67	66	65	64	63	62	61	60	59	58

PIONEER TIME  
NO 81-0974 2049  
MR. RON PLASMAN

N PLACE SURVEY of PARCELS 4,  
5, and 6, ALSO CHAS. TERN-  
FOR  
YVICA S.E. BRANCH (11)  
Office of  
HOFFER & DAVIS INC  
414 UTILITY BLDG  
E. WASHINGTON, D.C.

Carl A. Hofer  
5 AUGUST 1981

LESTER SE 4  
DEC 19 30 '13



General Telephone Company  
of Indiana, Inc.

525 Tecumseh Street  
P.O. Box 2332  
Fort Wayne, Indiana 46801  
219 426-2580

July 22, 1981

Mr. Robert W. Haller  
Snouffer, Haller & Colvin  
Attorneys at Law  
2000 Fort Wayne Bank Building  
Fort Wayne, IN 46802

Dear Mr. Haller:

Enclosed are an original and three copies of an easement which will provide everything necessary for General Telephone Company of Indiana, Inc., facilities on Lots 48, 49, and 50 through 62 in Hoevelwood Court, Section B, and parcels adjacent on the North. A plat of Hoevelwood Court, Section B, is enclosed showing the approximate location of the easements required. The remainder of the easements can be vacated.

If this meets with your approval, please have them properly executed, notarized, and returned to this office. If you have any questions, please contact D. L. Hart, Associate Engineer-Outside Plant at 423-8127.

Sincerely,

J. R. HAEGER  
Supervising Engineer-  
Outside Plant

Enclosures 5

UTILITY EASEMENT

THIS INDENTURE, made this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
between \_\_\_\_\_

whose address is \_\_\_\_\_

(hereinafter called "Grantor"), and GENERAL TELEPHONE COMPANY OF INDIANA, INC.,  
as Indiana Corporation whose address is 8001 West Jefferson Boulevard,  
Fort Wayne, Indiana, (hereinafter called "Grantee").

WITNESSETH: That for One Dollar (\$1.00) and other good and valuable consideration in hand paid, the receipt of which is hereby acknowledged, Grantor does hereby grant and convey to Grantee a right-of-way and easement for the construction, operation, use, maintenance, repair, renewal, and removal of a line or lines of overhead and underground facilities and equipment for the transmission of electrical energy, including the right to permit attachments of others to said facilities, in, on, along, under, over, across, and through the following described premises situated in Adams Township, County of Allen, State of Indiana, and being a part of Section 19, Township 30 North and Range 13 East, to-wit:

A part of the West half of the Southeast quarter of said Section 19, further described as follows:

A strip of land 14 feet in width being 7 feet on each side of the following described line:

Beginning at a point 184 feet North of the intersection of the North line of Fairfax Avenue with the East line of Freuhauf Drive, thence extending West and parallel with the North line of said Hoevelwood Court, Section B a distance of 592 feet.

Also, a strip of land 14 feet in width being 7 feet on each side of the following described line:

Beginning at a point 1 foot North of the Northwest Corner of Lot #49 in said Hoevelwood Court, Section B thence Northeast a distance of 73 feet (+) to a point 73 feet East of the Northwest Corner of Lot #49 and 4.5 feet North of the North line of said Hoevelwood Court, Section B. Thence Northeast a distance of 38 feet (+) to a point 108.5 feet East of the Northwest Corner of Lot #49 and 12 feet North of the North line of said Hoevelwood Court, Section B.

TOGETHER with the right of ingress and egress to, from, and over said Premises, and also the right to cut or trim any trees and brushes which may endanger the safety or interfere with the construction and use of said power line.

Grantee shall promptly repair or replace all physical damages on the Premises proximately caused by the construction, operation and maintenance of Grantee's Facilities.

It is agreed that the foregoing is the entire contract between the parties hereto and that this written agreement is complete in all its

**GTE EASEMENT  
TO BE DEDICATED**

PLAT OF

11752

Book 25 Page 16768

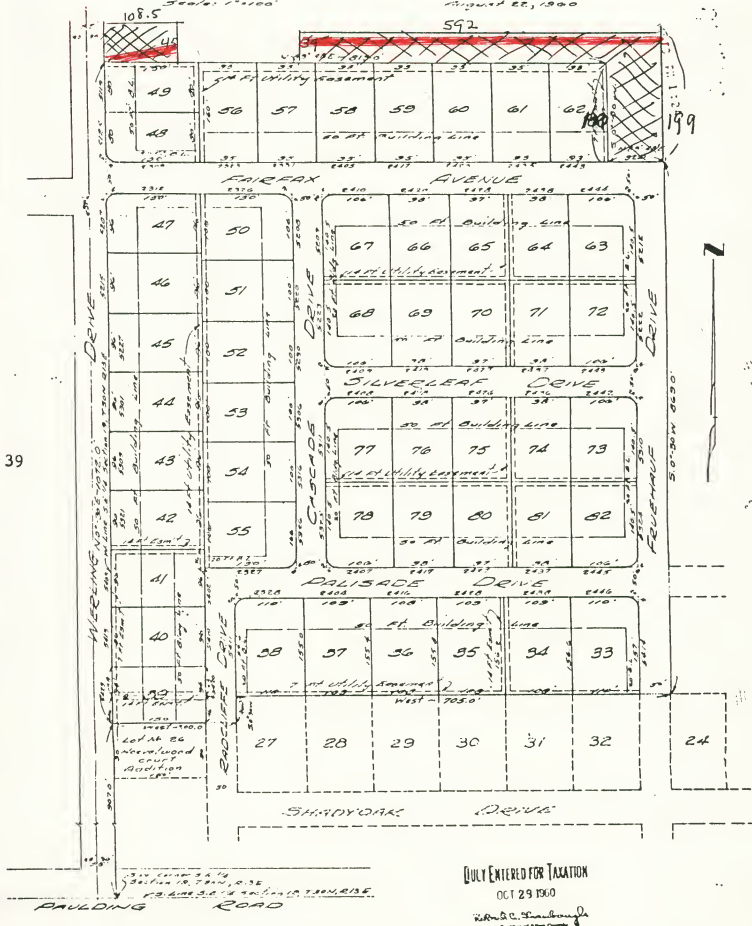
**HOEVELWOOD COURT, SECTION B**

An Addition to the City of East Wayne, Indiana

H.E. Gottschalk - Civil Engineer

August 22, 1900

Scale: 1"=100'



DULY ENTERED FOR TAXATION

OCT 29 1900

H.E. Gottschalk  
Recorder of Allen County

WHEREAS, the YOUNG MEN'S CHRISTIAN ASSOCIATION (YMCA) has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public utility easements situated in Fort Wayne, Allen County to-wit:

Certain easements and side lot line restrictions within the City of Fort Wayne which are described as follows:

Both 7 and 14 foot easements along the north lines of Lots 56 through 62; and 7 foot on either side of the common lines of Lots 48 and 49 (east) and 56 (west) and a 7 foot easement along the north side line of Lot 49 and 9 foot side lot line restrictions all as shown on the face of the plat and number 3 of Protective Restrictions all as contained in the plat and restrictions of Hoevelwood Court Addition, Section "B" as recorded in Plat Record 25 at pages 167-168 of the records in the Office of the Recorder of Allen County, Indiana

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of public utility easements has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public utility easements hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public utility easements hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said public easements or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA )  
COUNTY OF ALLEN ) SS:

I, Roberta Anderson-Staton Member of the Board of Public Works, do hereby Certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Works at their meeting held January 6, 1982 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 6<sup>th</sup> DAY OF January 19 82

FORT WAYNE BOARD OF PUBLIC WORKS

Roberta Anderson-Staton  
Roberta Anderson-Staton, Member

Betty Collins  
Betty Collins, Member

RESOLUTION

WHEREAS, the YOUNG MEN'S CHRISTIAN ASSOCIATION (YMCA) has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public utility easements situated in Fort Wayne, Allen County, to-wit:

Certain easements and side lot line restrictions within the City of Fort Wayne which are described as follows:

Both 7 and 14 foot easements along the north lines of Lots 56 through 62; and 7 foot on either side of the common lines of Lots 48 and 49 (east) and 56 (west) and a 7 foot easement along the north side line of Lot 49 and 9 foot side lot line restrictions all as shown on the face of the plat and number 3 of Protective Restrictions all as contained in the plat and restrictions of Hoevelwood Court Addition, Section "B" as recorded in Plat Record 25 at pages 167-168 of the records in the Office of the Recorder of Allen County, Indiana

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on December 21, 1981 at 3:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public easements.

WHEREAS, said vacation of the easements has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said easements hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public easements hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public easements or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.


BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of the easements in Allen County, Indiana.

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

I, Dennis J. Grotrian, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held December 28, 1981, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 12th DAY OF January 19 82

FORT WAYNE CITY PLAN COMMISSION

  
(Dennis J. Grotrian  
Secretary



TITLE OF ORDINANCE Utility Easement Vacation81-11-31DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE A 14' utility easement running along the north side of  
Lots 49, 56, 57, 58, 59, 60, 61 and 62 in Hoevelwood Court Addition, Section "B"  
and a 7' utility easement lying between Lots 48, 49 and 56 in Hoevelwood Court  
Addition, Section "B".

EFFECT OF PASSAGE Property is now used as a public utility easement. Property  
will be closed as a public utility easement and revert to adjacent property  
owner.

EFFECT OF NON-PASSAGE Property will remain a public utility easement.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (J.N.) \_\_\_\_\_





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

12 January 1982

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a resolution pertaining to one (1) utility easement vacation ordinance acted upon by the City Plan Commission at their regular meeting held December 28, 1981. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-81-11-31
2. Intended Use: Vacated easements will be utilized by the adjacent property owners.
3. Plan Commission Recommendation: DO PASS

REASON: There are buildings presently located within the easements which would cause extreme hardships to remove. The utilities within the easements have been otherwise compensated.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

  
Gary F. Baeten  
Senior Planner

GFB:pb

Attachments



OFFICE OF THE CITY CLERK

## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

Charles W. Westerman, Clerk -- Room 122

February 8, 1982

Ms. Judy High  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, Indiana 46802

Dear Ms. High:

Please give the attached full coverage on the dates of February 11 and February 18, 1982, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, Indiana

Bill No. Z-80-03-10  
Zoning Map Ordinance No. Z-03-82

Bill No. Z-81-11-35  
Zoning Map Ordinance No. Z-04-82

Bill No. G-81-11-31  
General Ordinance No. G-01-82

Bill No. G-81-11-32  
General Ordinance No. G-02-82

Please send us 16 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman  
City Clerk

CWW/ne  
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 26th day of January, 1982, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-80-03-10 -- Zoning Map Ordinance No. Z-03-82. AN ORDINANCE amending the City of Fort Wayne Zoning Map No. 0-19

Notice is hereby given that on the 26th day of January, 1982, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. Z-81-11-35 -- Zoning Map Ordinance No. Z-04-82 AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-2

Notice is hereby given that on the 26th day of January, 1982, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-81-11-31 -- General Ordinance No. G-01-82, AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a Utility EAsement in Hoevelwood Court Addition, Section "B"

Notice is hereby given that on the 26th day of January, 1982, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-81-11-32 -- General Ordinance No. G-02-82 AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of Holly Avenue

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-80-03-10 -- Zoning Map Ordinance No. Z-03-82; Bill No. Z-81-11-35 -- Zoning Map Ordinance No. Z-04-82; Bill No. G-81-11-31 -- General Ordinance No. G-01-82 and Bill No. G-81-11-32 -- General Ordinance No. G-02-82, were passed by the Common Council on the 26th day of January, 1982, said Ordinances were signed and approved by the Mayor on the 1st day of February, 1982, and remains on file and on record in my office.

Copies of Bill No. Z-80-03-81-- Zoning Map Ordinance No. Z-03-82; Bill No. Z-81-11-35 -- Zoning Map Ordinance No. Z-04-82; Bill No. G-81-11-31 -- General Ordinance No. G-01-82 and Bill No. G-81-11-32 -- General Ordinance No. G-02-82, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana

- (1) The main floor of the City-County Building
- (2) The bulletin board in the lobby of Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. Z-80-03-81 -- Zoning Map Ordinance No. Z-03-82; Bill No. Z-81-11-35 -- Zoning Map Ordinance No. Z-04-82; Bill No. G-81-11-31 -- General Ordinance No. G-01-82 and Bill No. G-81-11-32 -- General Ordinance No. G-02-82, will be available for reading in the following places in Fort Wayne, Allen County, Indiana

- (1) Reference Room in the north end of the main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana



Charles W. Westerman  
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinance in the designated places as stated on February 11, 1982



Charles W. Westerman  
City Clerk

## Fort Wayne Common Council

(Governmental Unit)

To.....JOURNAL-GAZETTE.....Dr.

Allen

County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head	number of lines	1
Body	number of lines	103
Tail	number of lines	2
Total number of lines in notice		106

## COMPUTATION OF CHARGES

106 lines, 1 columns wide equals 106 equivalent lines at 300¢ cents per line \$ 31.80

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 14 extra copies 7.00

TOTAL AMOUNT OF CLAIM. \$ 38.80

## DATA FOR COMPUTING COST

Width.....6.....point  
 Number.....6.....  
 Pursuant to the provisions of the Indiana Code, Title 36, Chapter 31, Article 1, Section 1, which provides that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Feb. 18

Date

Form

ATTACH  
ADVERTISE

## LEGAL NOTICE

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I, Charles W. Westernman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that Bill No. Z-80-03-10 - Zoning Map Ordinance No. Z-03-82, Bill No. Z-81-11-31 - General Ordinance No. G-01-82 and Bill No. G-81-11-32 - General Ordinance No. G-02-82, were passed by the Common Council on the 28th day of January, 1982, said Ordinances were signed and approved by the Mayor on the 1st day of February, 1982, and remain on file and on record in my office.

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I, Charles W. Westernman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinance in the designated places as stated on February 11, 1982.

2-11-18

I hereby certify that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*Arnold De Veld*

Title.....CLERK.....

## PUBLISHER'S AFFIDAVIT

I, the undersigned, a Notary Public in and for said county and state, do hereby certify that the above and foregoing is a true and correct copy of the original as the same appeared before me, a notary public in and for said county and state, and that the same was duly sworn to and subscribed by the said *ARNOLD DEWALD*, who, being duly sworn, says he is.....CLERK.....of the

## JOURNAL-GAZETTE

## DAILY

newspaper of general circulation printed and published

English language in the city of.....FORT WAYNE, INDIANA.....town

and county aforesaid, and that the printed matter attached hereto is a true copy, was duly published in said paper for.....two times.....the dates of publication being

2/11 - 2/18/82

Subscribed and sworn to before me this

18th day of February, 1982

*Charles W. Westernman*  
 Notary Public  
 My commission expires November 29, 1985

(Governmental Unit)

To **JOURNAL-GAZETTE** Dr.

Allen

County, Ind.

## FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) – number of equivalent lines

Head	number of lines
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103

**Tail**      number of lines

2

Total number of lines in notice

106

### COMPUTATION OF CHARGES

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Charge for extra proofs of publication (50 cents for each proof in excess of two) 14 extra copies 7.00

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\$ 38.80

### DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type ..... 6 ..... point

Number of insertions ..... 2

Size of quad upon which type is cast.....<sup>6</sup>

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Feb. 18, 1982

Title **CLERK**

Form 904

## PUBLISHER'S AFFIDAVIT

State of Indiana  
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned, ARVILLA DEWALD, who, being duly sworn, says that she is, CLERK of the

JOURNAL-GAZETTE

**DAILY** newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for.....two times.....the dates of publication being

2/11 - 2/18/82

Subscribed and sworn to before me this 18th day of February 19 82

My commission expires November 29, 1985

November 29, 1985

## LEGAL NOTICE

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Wayne Zoning Map No. 0-19.  
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1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448
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Fort Wayne Common Council

(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen

County, Ind

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

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Body number of lines

103

Tail number of lines

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Total number of lines in notice

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## COM LEGAL NOTICE

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Wayne Zoning Map No. D-19.

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Purs. I her has b Date of Ch. 89, Acts 1967. Amount is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

1 columns wide equals 1.06 equivalent lines at 300¢ \$ 31.80

lines containing rule or tabular work (50 per cent of above amount)

of publication (50 cents for each proof in excess of two) 14 extra 7.00

UNT OF CLAIM \$ 38.80

n 9.6 picas Size of type 6 point

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Title CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana  
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned, D. ROOSE who, being duly sworn, says that she is CLERK of the

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times the dates of publication being as follows:

2/11 - 2/18/82

Subscribed and sworn to before me this 18th day of February 1982

My commission expires November 29, 1985

Copies of Bill No. Z-80-03-81 - Zoning Map Ordinance No. Z-03-82; Bill No. Z-81-11-35 - Zoning Map Ordinance No. Z-04-82; Bill No. G-81-11-31 - General Ordinance No. G-01-82 and Bill No. G-81-11-32 - General Ordinance No. G-02-82, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana:

- (1) The main floor of the City-County Building
- (2) The bulletin board in the lobby of Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. Z-80-03-81 - Zoning Map Ordinance No. Z-03-82; Bill No. Z-81-11-35 - Zoning Map Ordinance No. Z-04-82; Bill No. G-81-11-31 - General Ordinance No. G-01-82 and Bill No. G-81-11-32 - General Ordinance No. G-02-82, will be available for reading in the following places in Fort Wayne, Allen County, Indiana:

- (1) Reference Room in the north end of the main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana

Charles W. Westernman  
City Clerk  
I, Charles W. Westernman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinance in the designated places as stated on February 11, 1982.

Charles W. Westernman  
City Clerk

Fort Wayne Common Council

(Governmental Unit)

To... NEWS-SENTINEL Dr.

Allen

County, Ind

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

1

Body number of lines

103

Tail number of lines

2

Total number of lines in notice

106

## COMPUTATION OF CHARGES

106 lines, 1 columns wide equals 1.06 equivalent lines at \$300¢ = \$31.80  
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 14 extra

7.00

TOTAL AMOUNT OF CLAIM.

\$38.80

## DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type.....6.....point

Number of insertions.....2.....

Size of quad upon which type is cast.....6.....

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

D. Roose

Date Feb. 18, 1982

Title CLERK

Form 903

## PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County SS.

Personally appeared before me, a notary public in and for said county and state, the undersigned, D. ROOSE, who, being duly sworn, says that she is, CLERK

## NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

2/11 - 2/18/82

Subscribed and sworn to before me this 18th day of February, 1982

My commission expires November 29, 1985

Notary Public

D. Roose  
Anne M. Perkins